

ESTTA Tracking number: **ESTTA410977**

Filing date: **05/25/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053166
Party	Plaintiff Hat World, Inc.
Correspondence Address	DAVID L MAY NIXON PEABODY LLP 401 9TH STREET NW, SUITE 900 WASHINGTON, DC 20004 UNITED STATES nptm@nixonpeabody.com, was.managing.clerk@nixonpeabody.com, dmay@nixonpeabody.com, lgolden@nixonpeabody.com, gmccreadie@nixonpeabody.com
Submission	Other Motions/Papers
Filer's Name	David L. May, Esq.
Filer's e-mail	was.managing.clerk@nixonpeabody.com, dmay@nixonpeabody.com, lgolden@nixonpeabody.com, gmccreadie@nixonpeabody.com
Signature	/david l. may/
Date	05/25/2011
Attachments	FIRM_DM-#13473052-v1-Motion_to_Reset_Discovery_Conference_Deadline.pdf (3 pages)(8472 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Matter of:

Hat World, Inc.)	
)	
v.)	
Leigh A. Gayden)	
Respondent)	
)	

Registration No.: 3,852,561
Mark: HANDLE THE ROCK
Filed: October 20, 2009
Registered: September 28, 2010

Cancellation Proceeding No. 92053166

MOTION TO RESET DISCOVERY CONFERENCE DEADLINE

Hat World, Inc. ("Petitioner") herein moves the Board to reset the discovery conference deadline in this case. In support of this motion, the undersigned avers as follows:

The undersigned today checked the TTAB's TTABVUE site to inquire as to the status of the proceeding having not been aware of any correspondence on the matter subsequent to the Board's order dated February 14, 2011.

Upon reviewing the status of the case via TTABVUE, the undersigned learned that Respondent filed an Answer to Petitioner's Petition for Cancellation on March 26, 2011. On review of the Certificate of Service accompanying the Answer, the undersigned notes that Respondent did not address service copy to the undersigned or any other person, despite the undersigned being the attorney of record in the matter.

The undersigned having just today learned of Respondent's Answer, and having received no correspondence from Respondent regarding scheduling a discovery conference, counsel for Petitioner has today attempted to contact Respondent by telephone to address the matter. Respondent was not immediately reachable via the telephone number provided in

Respondent's Answer. Petitioner, through its counsel, intends to continue in its attempt to contact Respondent in order to discuss the matter to schedule a discovery conference.

In the meantime, Petitioner herein requests that the deadline for conducting a discovery conference be reset, and that the subsequent scheduled dates in the proceeding be reset accordingly.

Date: May 25, 2011

Respectfully submitted,

HAT WORLD, INC.

/david l. may/
David L. May, Esq.

Attorney for Petitioner

NIXON PEABODY LLP
401 9th Street, N.W.
Suite 900
Washington, D.C. 20004-2128
202-585-8000 (Phone)
202-585-8080 (Facsimile)

dmay@nixonpeabody.com
gmccreadie@nixonpeabody.com
lgolden@nixonpeabody.com
was.managing.clerk@nixonpeaboyd.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Motion to Reset Discovery Conference Deadlines has been served via first-class mail, postage prepaid, on May 25, 2011:

Leigh A. Gayden
8599 Burlington Court
Manassas, VA 20110

/Sheryl S. Harris/
Sheryl Harris